

Docket No.: P-3226.04 US

OCT 14 2003

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

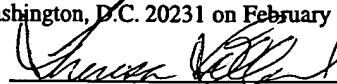
In re Application of: Dennis D. Elsberry  
Application No.: 09/872,698  
Filed: June 1, 2001  
For: Therapeutic Method for Treatment of Alzheimer's Disease

Group Art Unit: 3763  
Examiner: J. Thissell  
Due Date: March 3, 2003

**CERTIFICATE OF MAILING:** I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box PGPub Drawings, Assistant Commissioner for Patents, Washington, D.C. 20231 on February 6, 2003.

Theresa Belland

Printed Name

  
Signature

TRANSMITTAL LETTER

Attn: Official Draftsperson  
Box PGPub Drawings  
Assistant Commissioner for Patents  
Washington, D.C. 20231

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TECHNOLOGY CENTER R3700

Enclosed for filing in the above-identified application are the following:

- Transmittal Letter (in duplicate)
- Submission of Formal Drawings, including 7 sheets of Formal Drawings
  - The Commissioner is authorized to charge Deposit Account No. 13-2546 in the amount of \$130.00 for the Petition Fee
- Return Postcard
- Please charge any additional fees or credit any overpayments to Deposit Account No. 13-2546, which may have been overlooked with regard to this filing. A duplicate of this Transmittal Letter is enclosed.

Respectfully submitted,



Stephen W. Bauer

Registration No. 32,192

Medtronic, Inc.

710 Medtronic Parkway NE, MS: LC340

Minneapolis, Minnesota 55432-5604

Telephone: (763) 505-0422

Facsimile: (763) 505-0411



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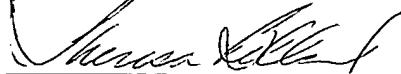
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PATENT  
Docket No.: P-3226.04US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dennis D. Elsberry      Group Art Unit: 3763  
Application No.: 09/872,698      Examiner: Jeremy Thissell  
Filed: June 1, 2001  
For: Therapeutic Method for Treatment of Alzheimer's Disease

**CERTIFICATE OF MAILING OR TRANSMISSION** I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop: Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office at 703-308-6916 on October 10, 2003.



Theresa Belland

T/A  
10/5/03  
#11/Petition  
withdrawal  
ABANDON

**PETITION TO WITHDRAW NOTICE OF ABANDONMENT**

Mail Stop: Petitions  
Commissioner for Patents  
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Arlington, Virginia 22313-1450

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According to a Notice of Abandonment mailed June 19, 2003, the above-identified application became abandoned for purportedly failing to "timely file new formal drawings as required by the Notice of Allowability" mailed December 2, 2002. Applicant respectfully requests withdrawal of the Notice of Abandonment in view of the following remarks and supporting evidence.

10/17/2003 AWONDAF1 00000037 132546 09872698

11 1325453 1330.00 DA

**REMARKS**

Applicant filed new formal drawings via the US Postal Service's first class mail service on February 6, 2003, as evidenced by Exhibit A attached hereto.

Applicant's Return Receipt Postcard was date stamped by the "OIPE" of the Patent and Trademark Office as being received on February 11, 2003. A copy of said postcard is attached hereto as Exhibit B.

In reviewing the submitted documents, Applicant notes that the drawings were inadvertently, and unintentionally, filed at "Box PGPub Drawings" rather than "Box Issue Fee". Due to this oversight, Applicant received a notice from the Publication Division stating that the

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"replacement drawings for application number 09/872,698 received on 2/11/03 by the U.S. Patent and Trademark Office will be included in the application file but will not be included for patent publication due to untimely submission". See Exhibit C attached hereto.

Applicant herewith resubmits the formal drawings and respectfully requests that this application be reinstated and an Issue Notification granted.

The Commissioner is authorized to charge \$1,300 for the Petition Fee to Deposit Account No. 13-2546. A duplicate copy of this Petition is enclosed.

Respectfully submitted,



Date: October 10, 2003

Stephen W. Bauer  
Registration No. 32,192  
MEDTRONIC, INC.  
710 Medtronic Parkway NE, MS: LC340  
Minneapolis, MN 55432-5604  
Telephone: 763-505-0422  
Facsimile: 763-505-0411  
**Customer No.: 27581**



PATENT  
Docket No.: P-3226.04 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dennis D. Elsberry      Group Art Unit: 3763  
Application No.: 09/872,698      Examiner: J. Thissell  
Filed: June 1, 2001      Due Date: March 3, 2003  
For: Therapeutic Method for Treatment of Alzheimer's Disease

**CERTIFICATE OF MAILING:** I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box PGPub Drawings, Assistant Commissioner for Patents, Washington, D.C. 20231 on February 6, 2003.

Theresa Belland  
Printed Name

Theresa Belland  
Signature

SUBMISSION OF FORMAL DRAWINGS

Attn: Official Draftsperson  
Box PGPub Drawings  
Assistant Commissioner for Patents  
Washington, D.C. 20231

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Dear Sir:

Submitted herewith are seven (7) sheets of formal drawings, containing Figures 1-9.

Please charge Deposit Account No. 13-2546 in the amount of \$130.00 for the petition fee  
for submitting these formal drawings.

Respectfully submitted,

Stephen W. Bauer  
Registration No. 32,192  
Medtronic, Inc.  
710 Medtronic Parkway NE, MS: LC340  
Minneapolis, Minnesota 55432-5604  
Telephone: (763) 505-0422  
Facsimile: (763) 505-0411



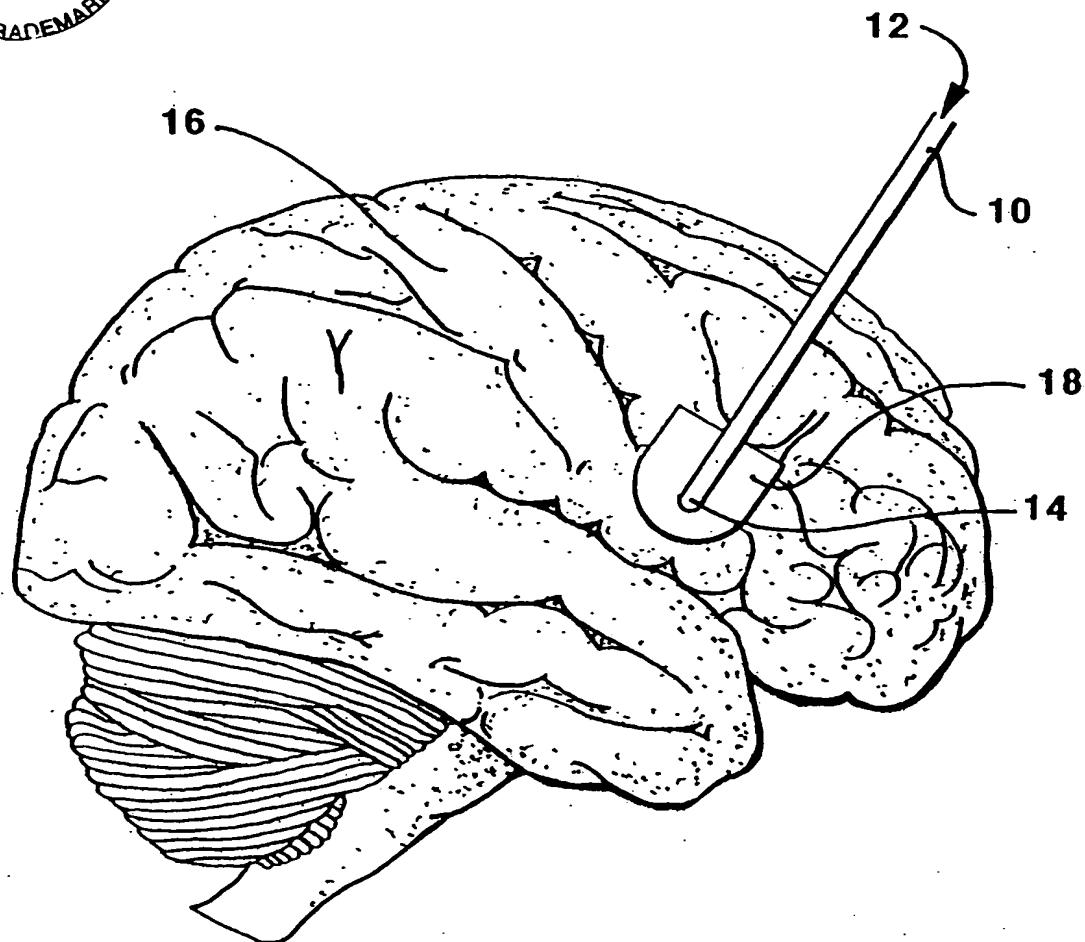
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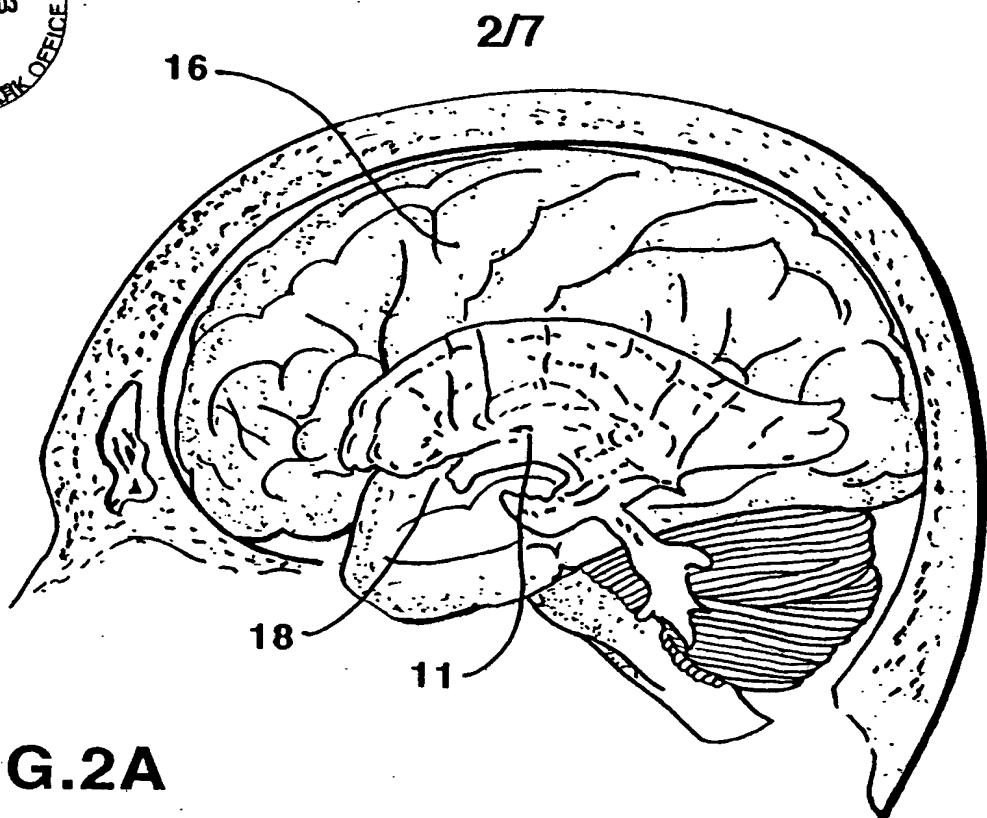
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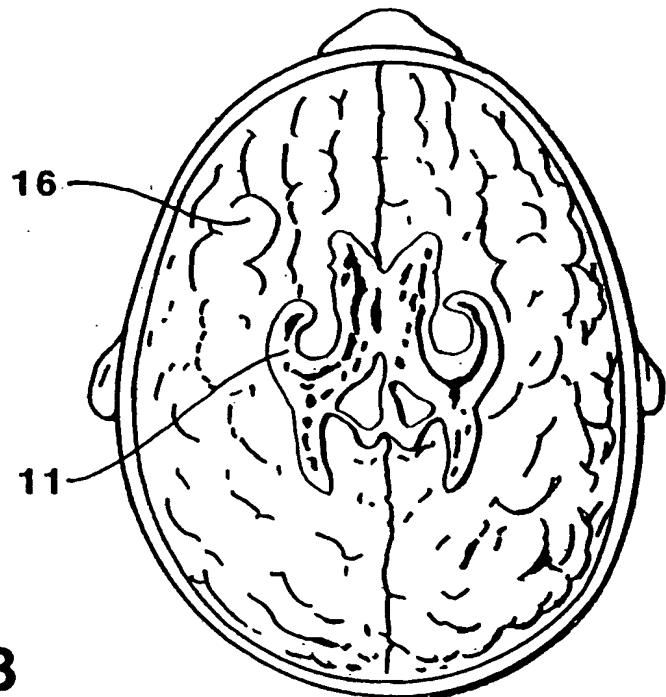
1/7



**FIG. 1**

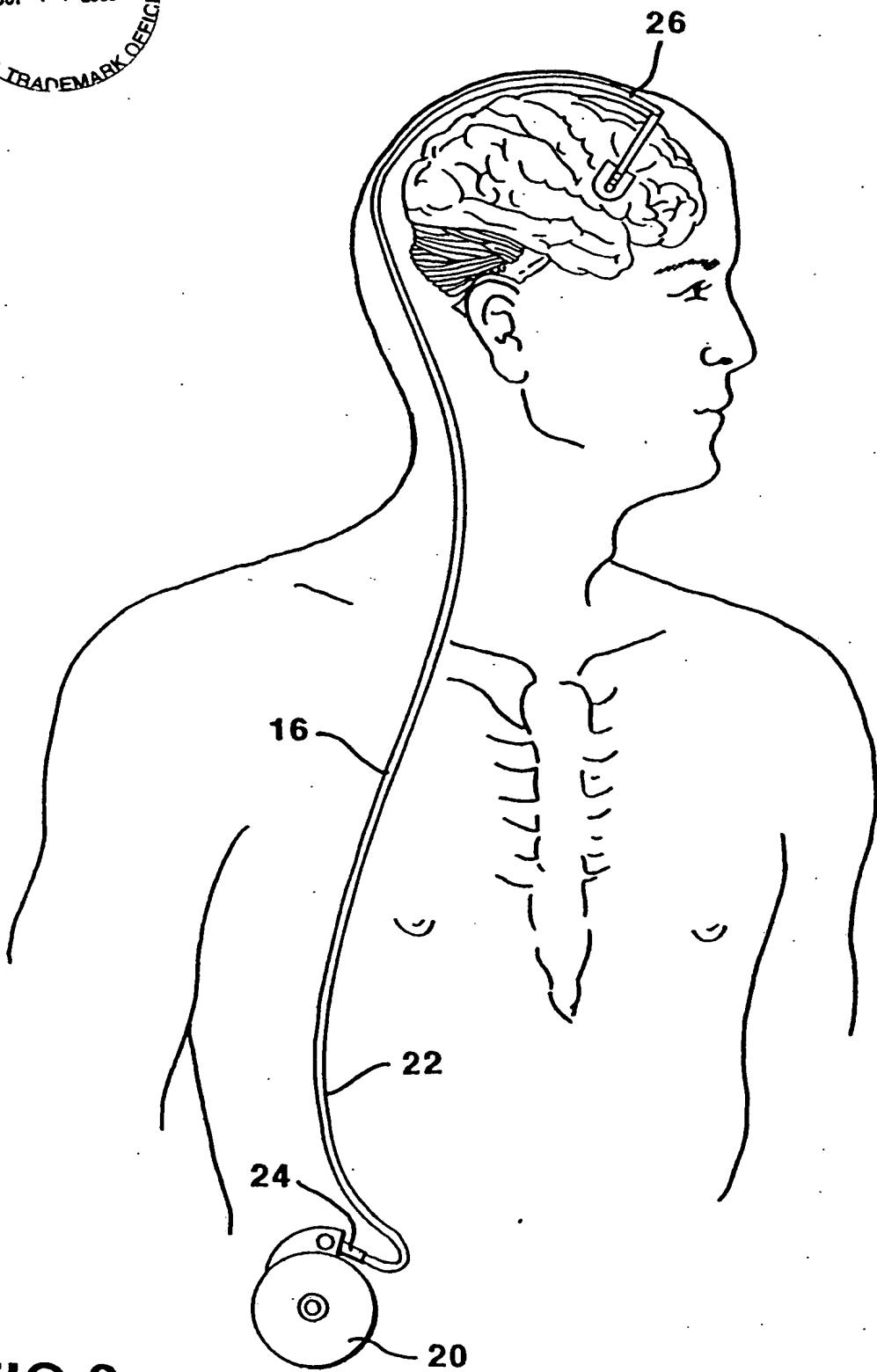


**FIG.2A**



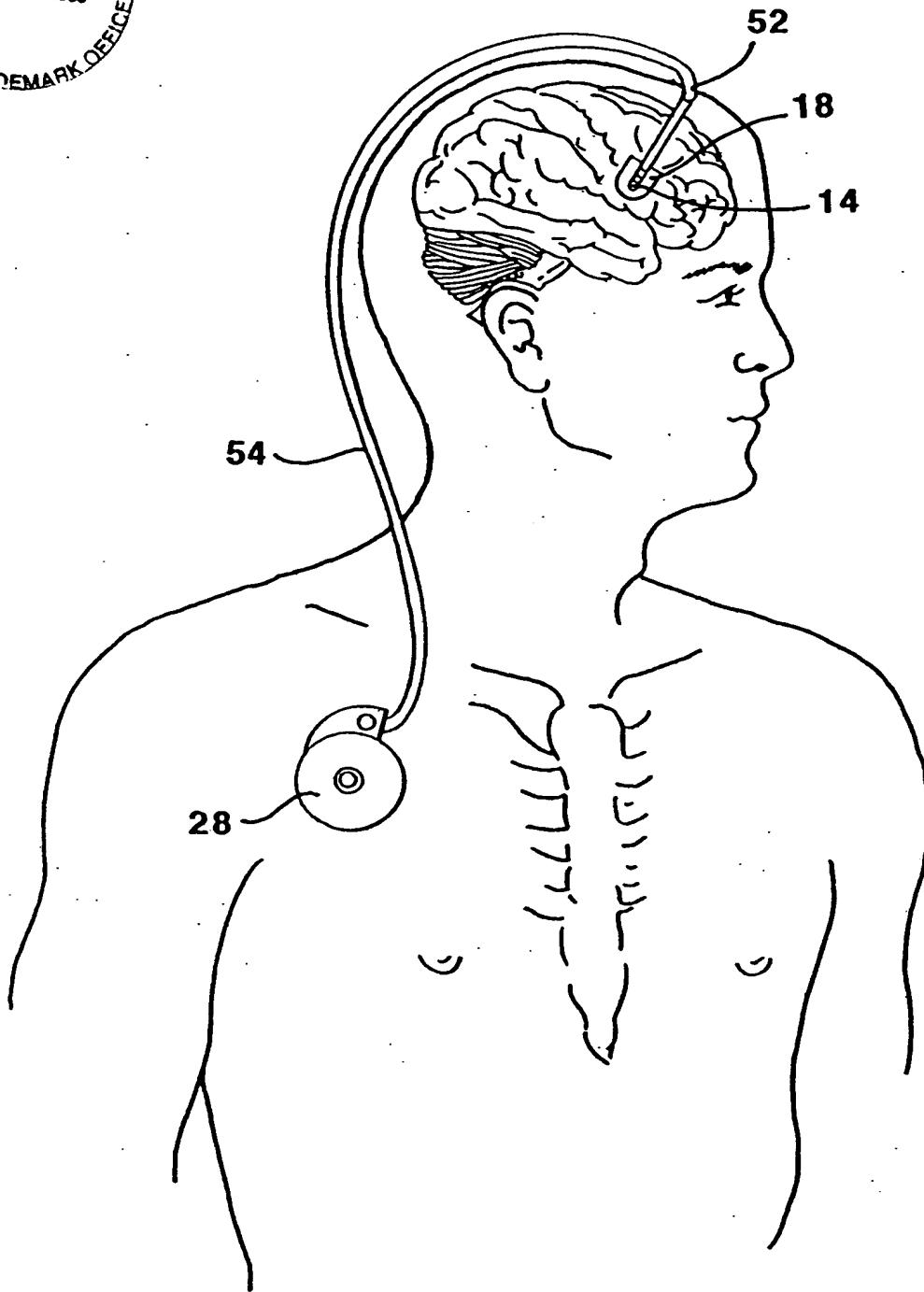
**FIG.2B**

3/7



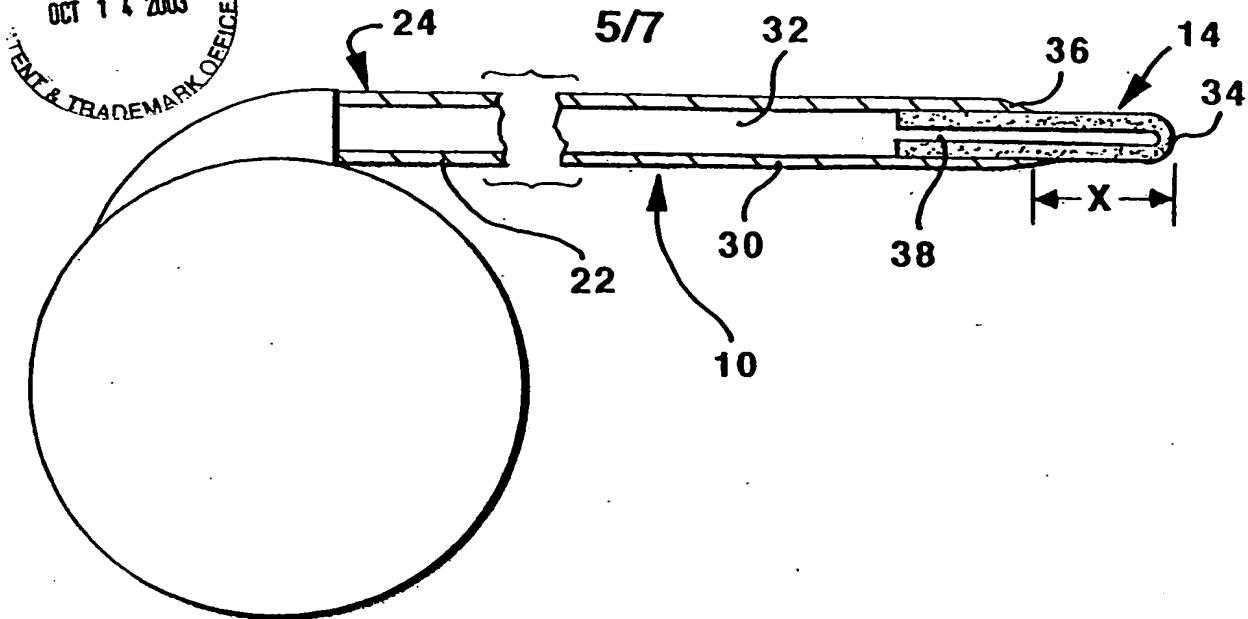
**FIG.3**

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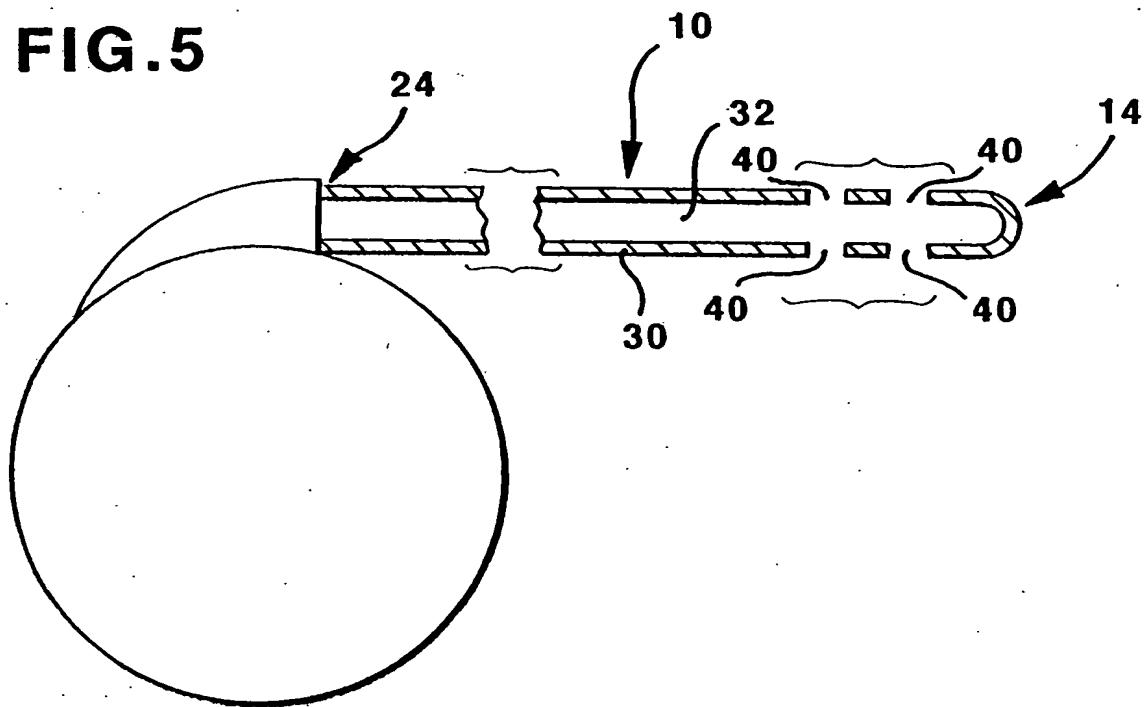


**FIG.4**

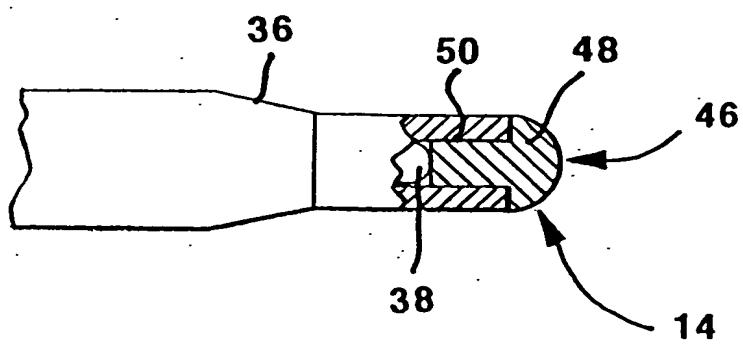
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**FIG. 5**

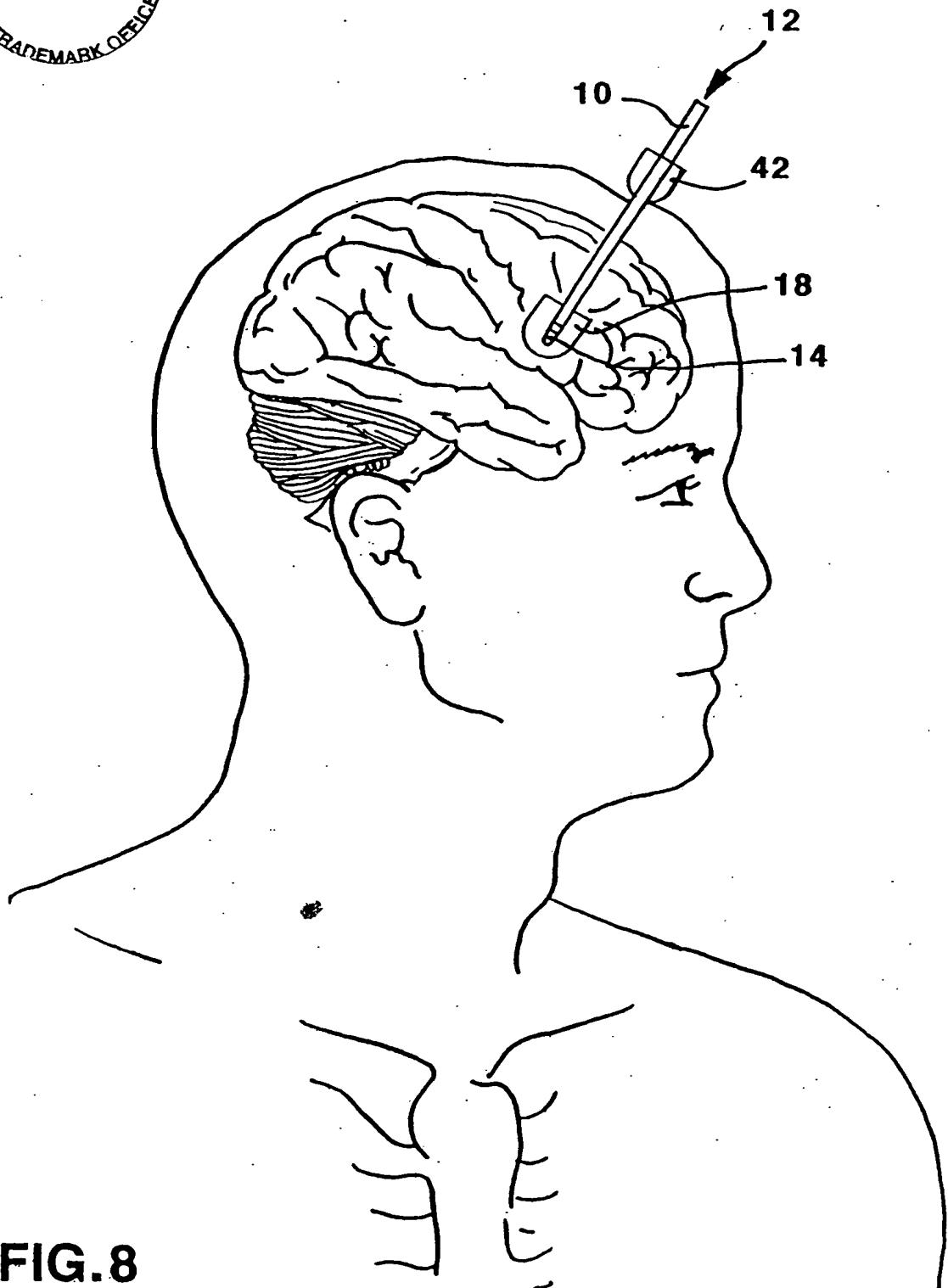


**FIG. 6**



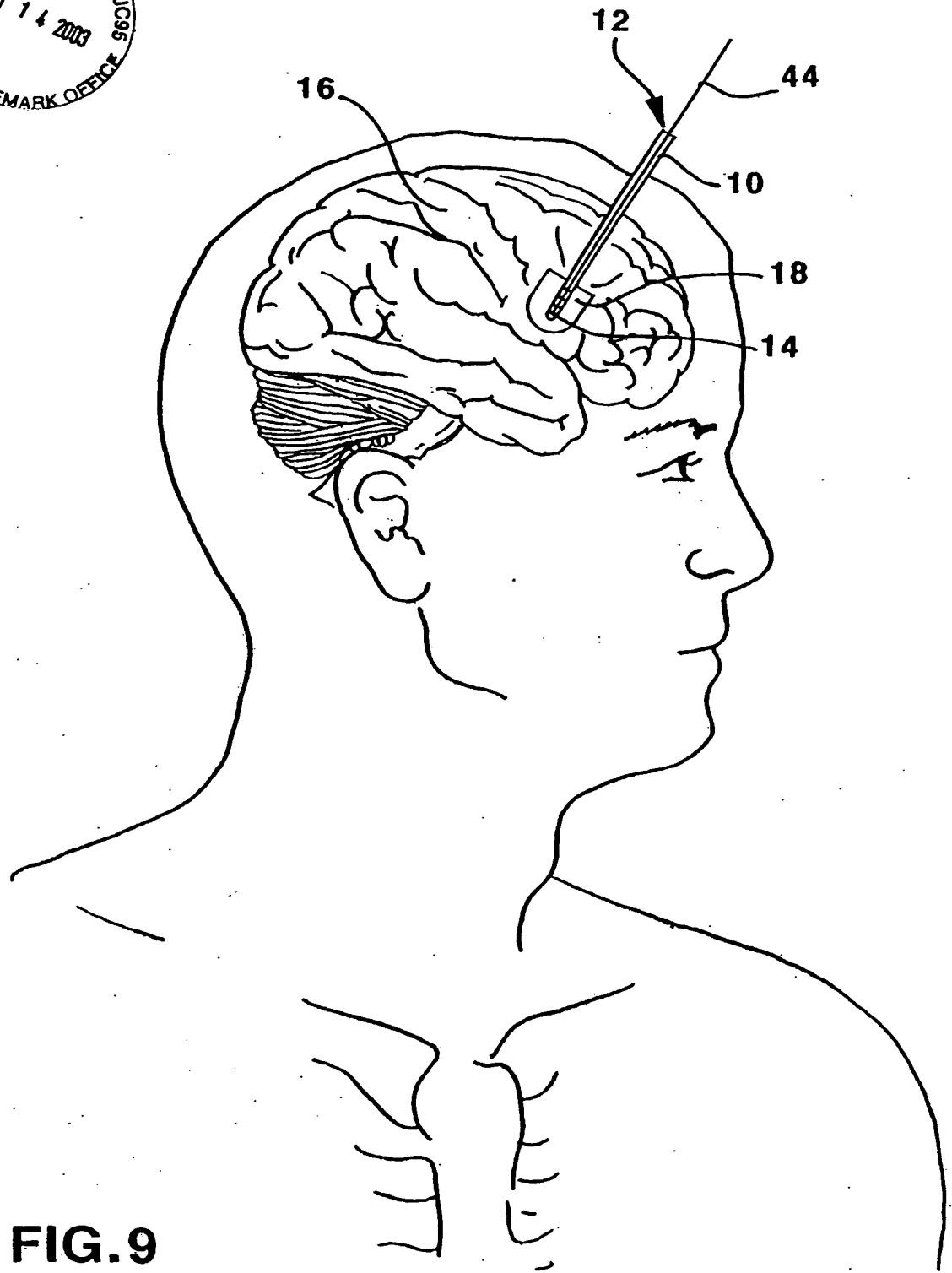
**FIG. 7**

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**FIG. 8**

7/7



**FIG. 9**



The "received" stamp of the U.S. Patent and Trademark Office on  
this card acknowledges the filing on the date stamped of:

Transmittal Letter; Formal Drawings; and Return Receipt  
Postcard.

Applicant: Dennis D. Elsberry  
Application No.: 09/872,698  
Filing Date: June 1, 2001  
Due Date: March 3, 2003  
Atty Docket No.: P-3226.04 US  
Initials: SWB:tdb

Mailed: February 6, 2003 via first class mail

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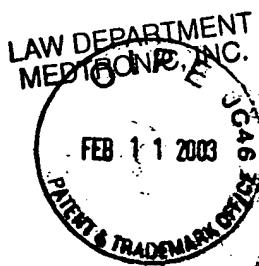
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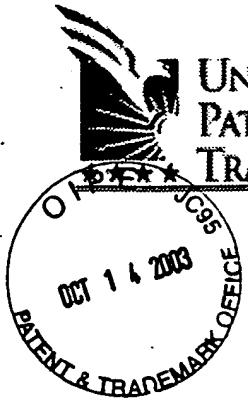
FEB 21 2003



Applicant: Dennis D. Elsberry  
Application No.: 09/872,698  
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Medtronic Inc  
710 Medtronic Parkway NE  
MS : LC340  
Minneapolis MN 55432-5604

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Dear Applicant:

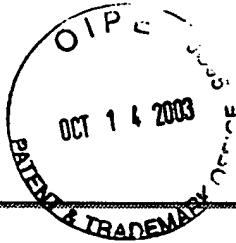
The Box PGPub replacement drawings for application number 09/872,698 received on 2/11/03 by the U. S. Patent and Trademark Office will be included in the application file but **will not** be included for patent publication due to the following reason(s):

- 1)  Non compliance:
  - Drawing(s) and/or Figure(s) Missing
  - Deficiencies in Drawings:
    - Improper paper size – must be either A4 (21cm x 29.7cm) or 8-1/2" x 11"
    - Improper margins (each drawing sheet must include a top margin of at least 1 inch, a left side margin of at least 1 inch, a right side margin of at least 5/8 inch, and a bottom margin of at least 3/8 inch)
  - Not reproducible:
    - Paper too thin
    - Glossy pages
    - Non-white background
  - Drawing Objection(s)
    - Missing lead lines, drawing(s) \_\_\_\_\_
    - Line quality is too light, drawings(s) \_\_\_\_\_
    - More than 1 drawing and not numbered correctly
    - Non-English text, drawing(s) \_\_\_\_\_

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MEDTRONIC, INC.



Commissioner for Patents  
Washington, DC 20231  
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- Excessive text, drawing(s) \_\_\_\_\_
- Photographs capable of illustration, drawing(s) \_\_\_\_\_
- Photographs may not be mounted (must be developed on a sheet of paper meeting the paper size requirement). 37 CFR 1.85(e)

2)  Submission Did Not Meet Fee Requirements

- No Fee
- Insufficient fee by check
- Insufficient funds in deposit account
- Declined credit card
- Non authorization for charge to deposit account

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3)  Untimely Submission

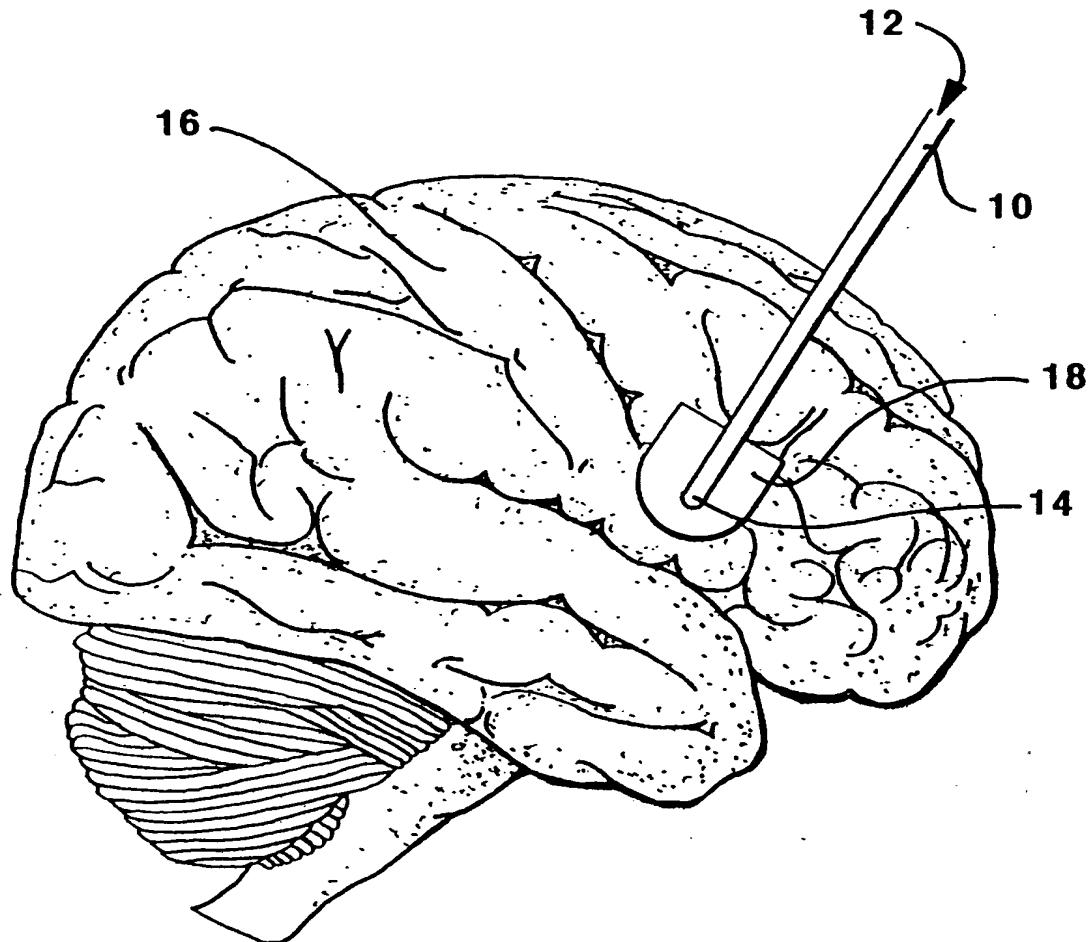
If you desire to have replacement drawings included for patent publication, you must submit new drawings, a petition, the petition fee of \$130 and a transmittal letter. The new submission must be submitted to the U. S. Patent and Trademark Office within the later of one month from the filing date of the application, or fourteen months from the earliest filing date for which a benefit is sought under title 35, United States Code.

Telephone inquiries should be directed to Customer Service, Office of Initial Patent Examination, at 703-308-1202.

Signature of Reviewer, Office of Initial Patent Examination



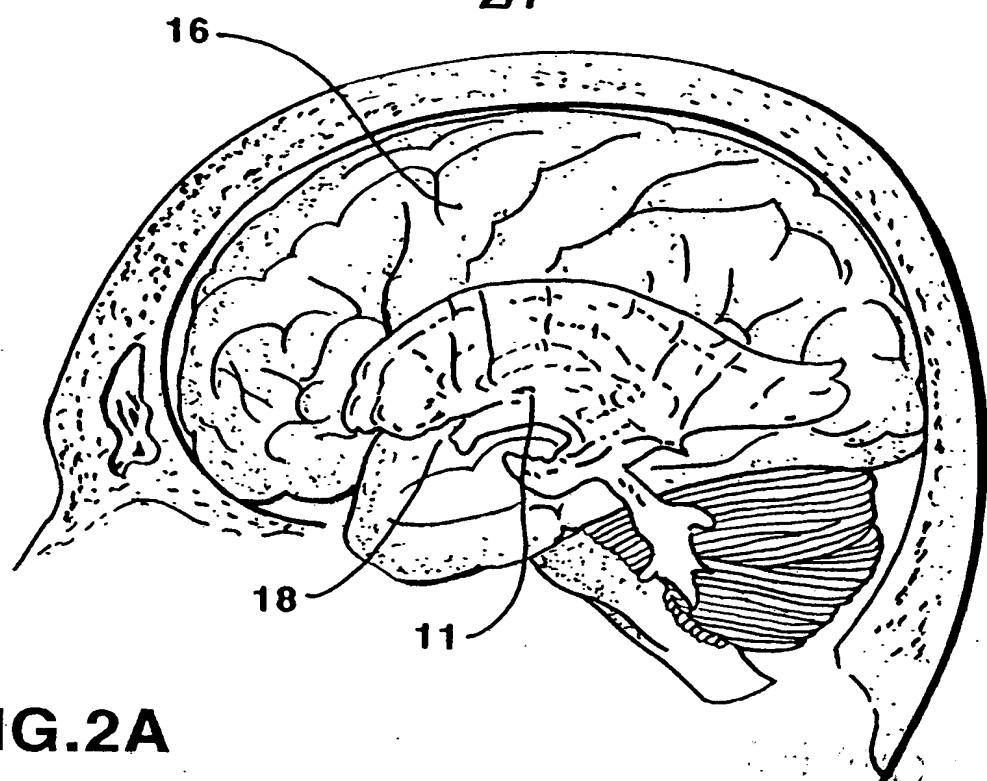
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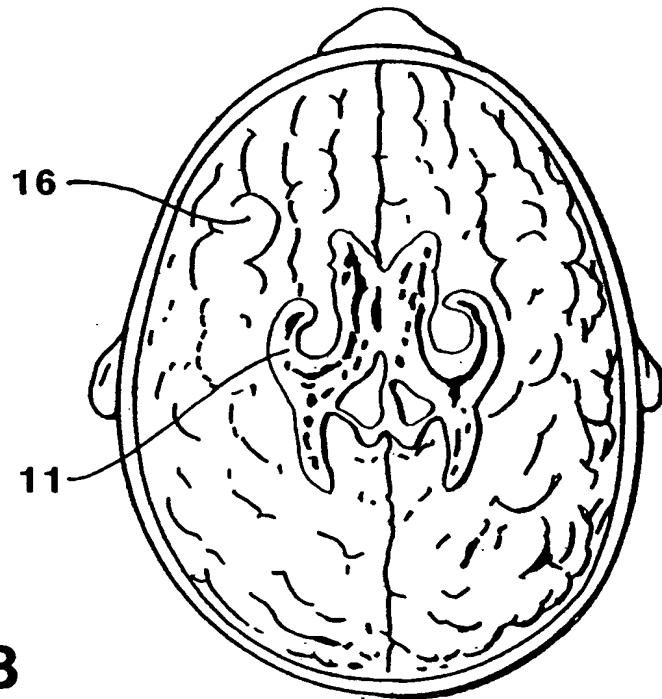
**FIG. 1**



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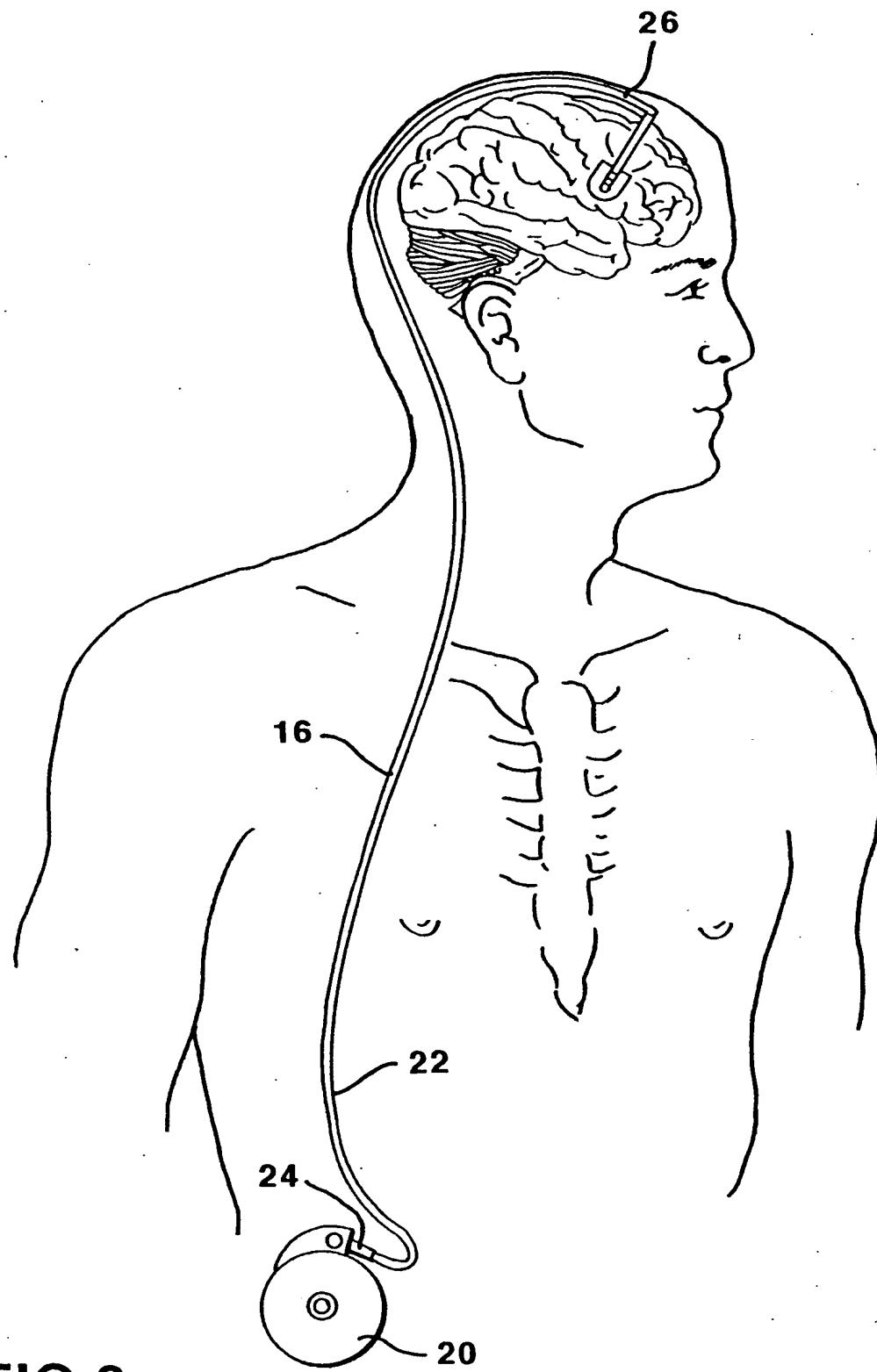


**FIG.2A**



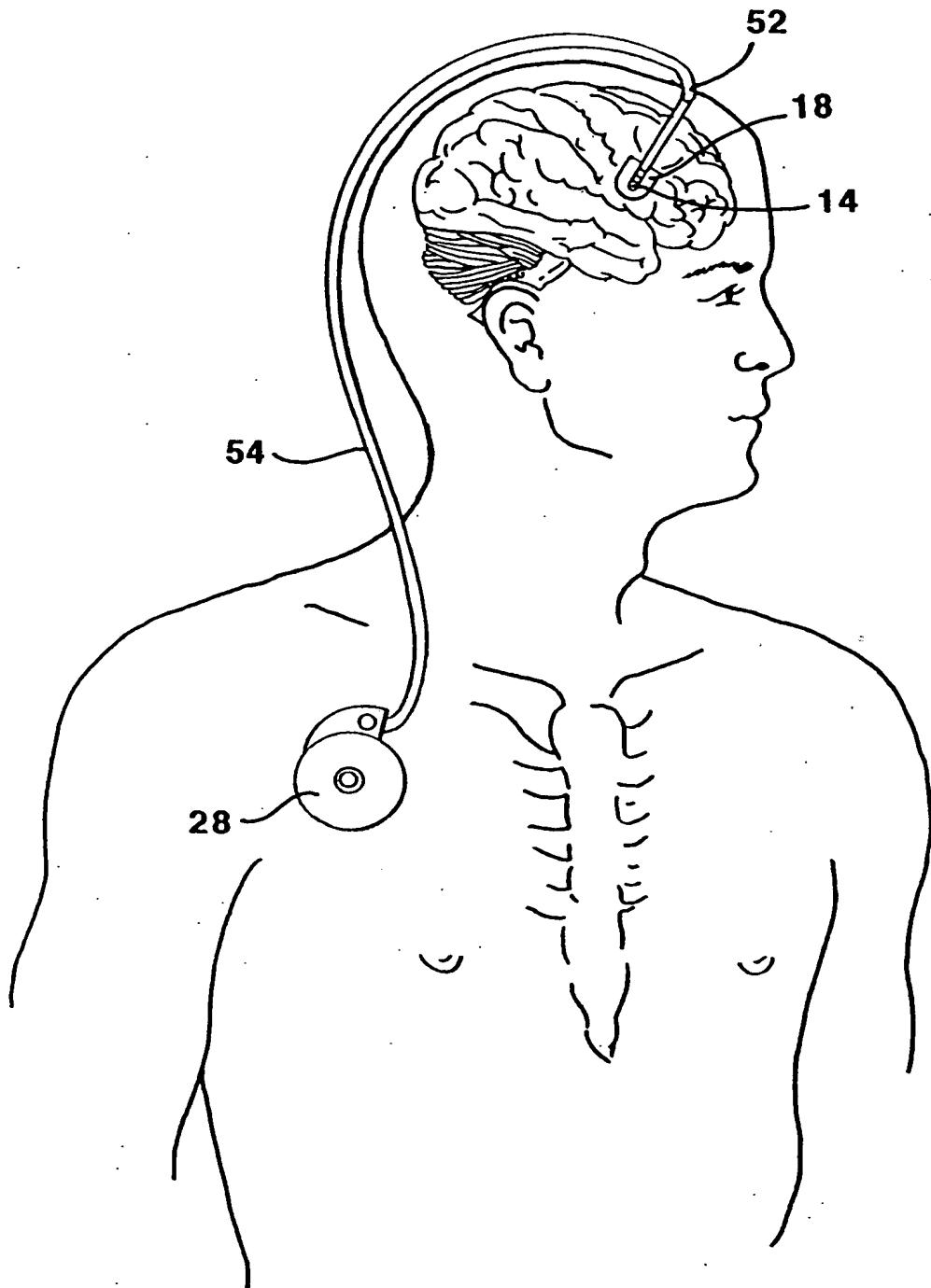
**FIG.2B**

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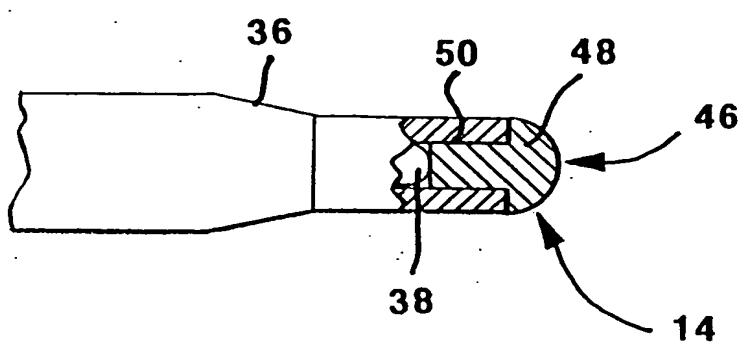
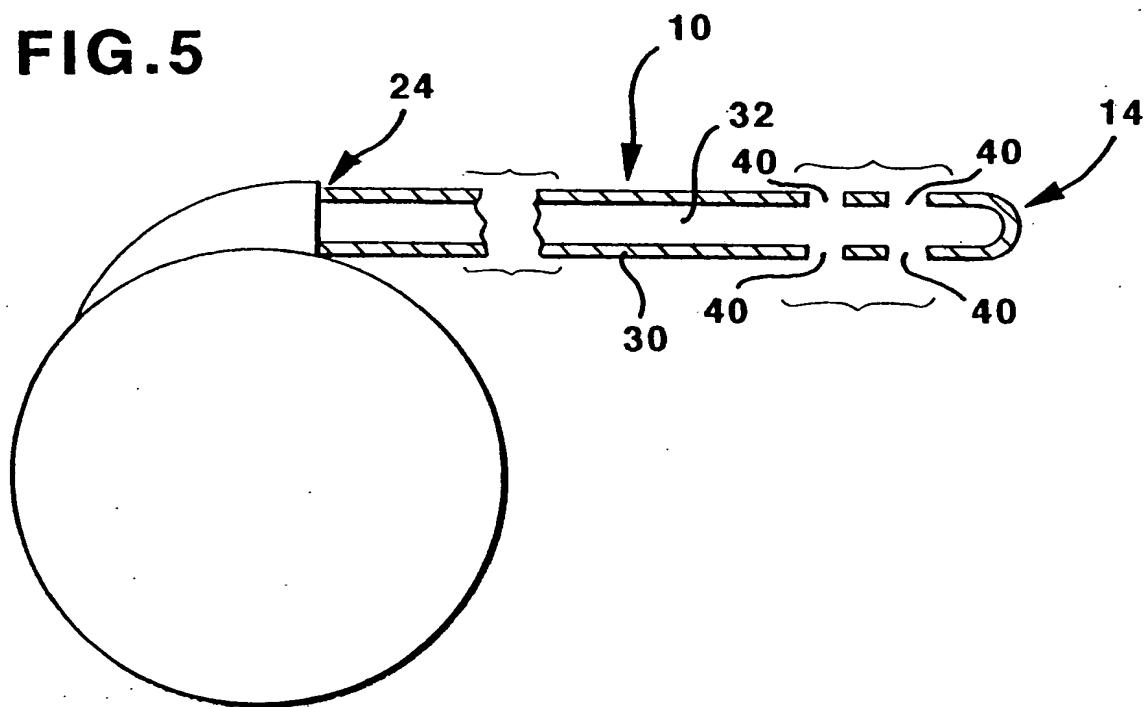
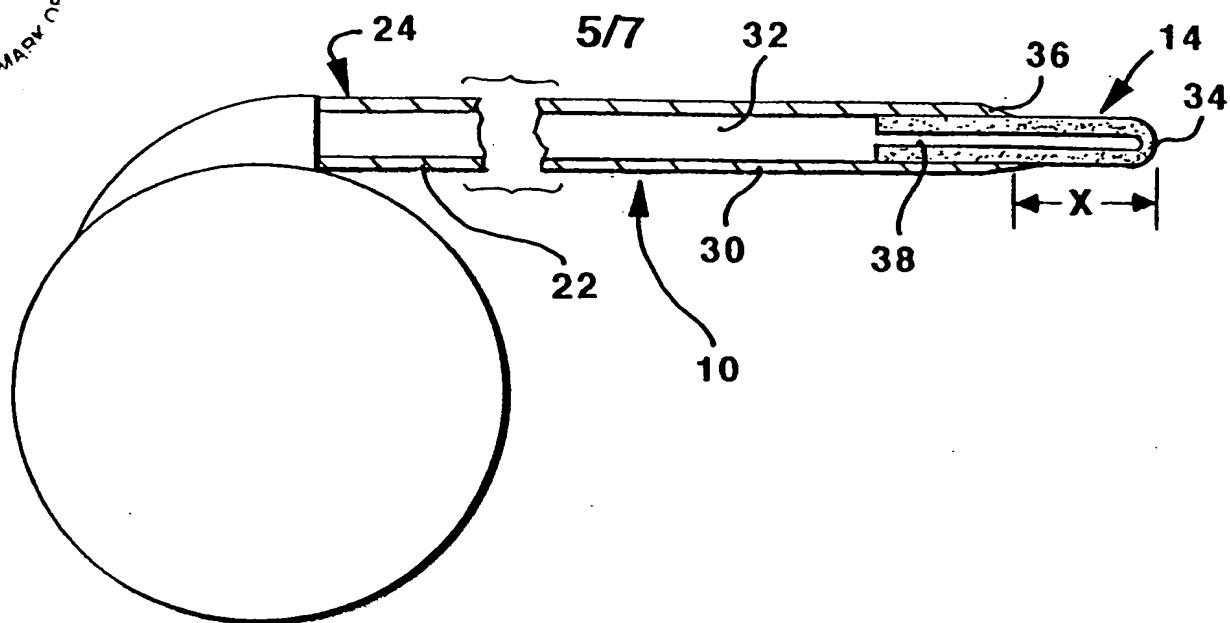


**FIG.3**

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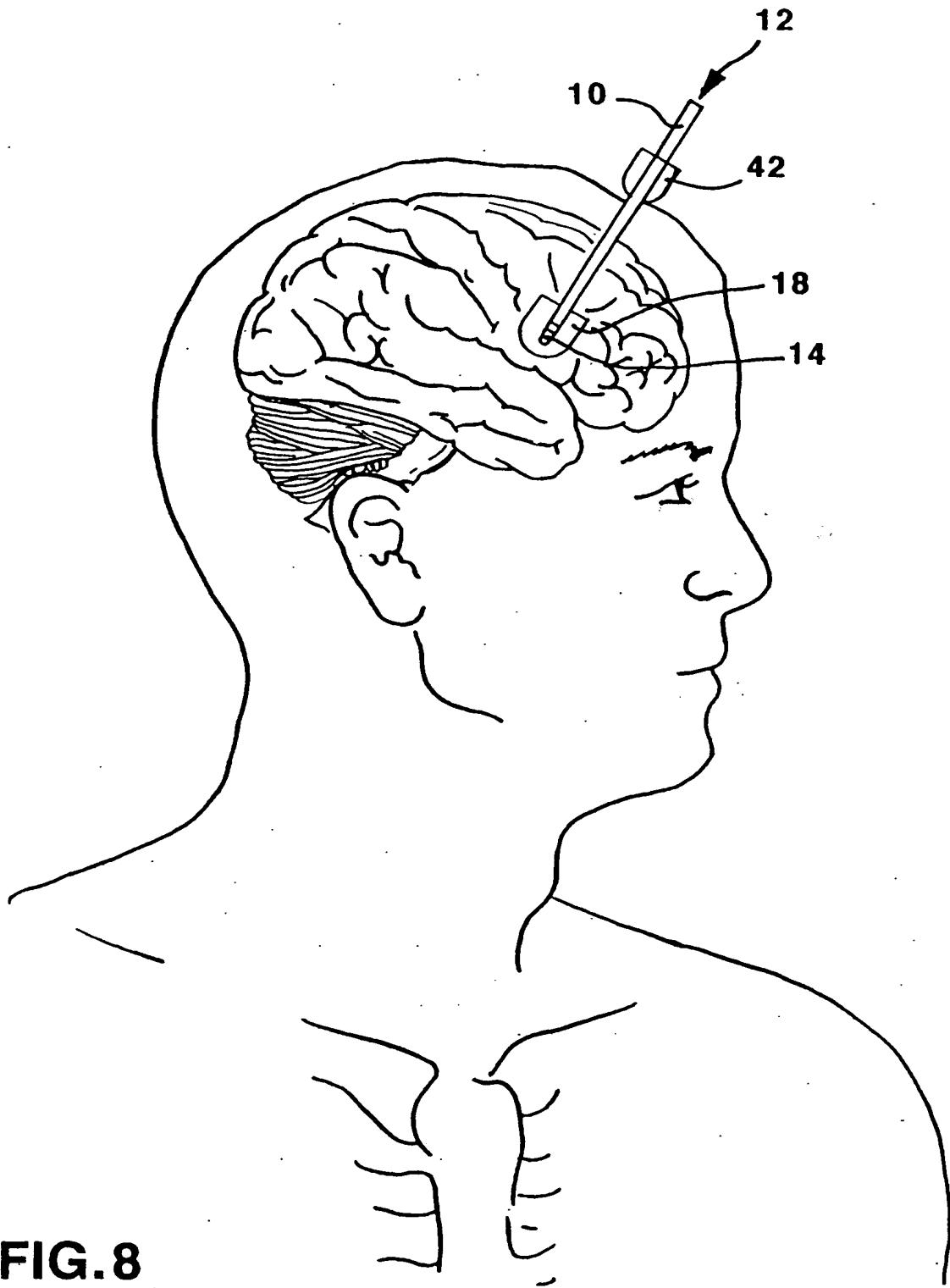


**FIG.4**



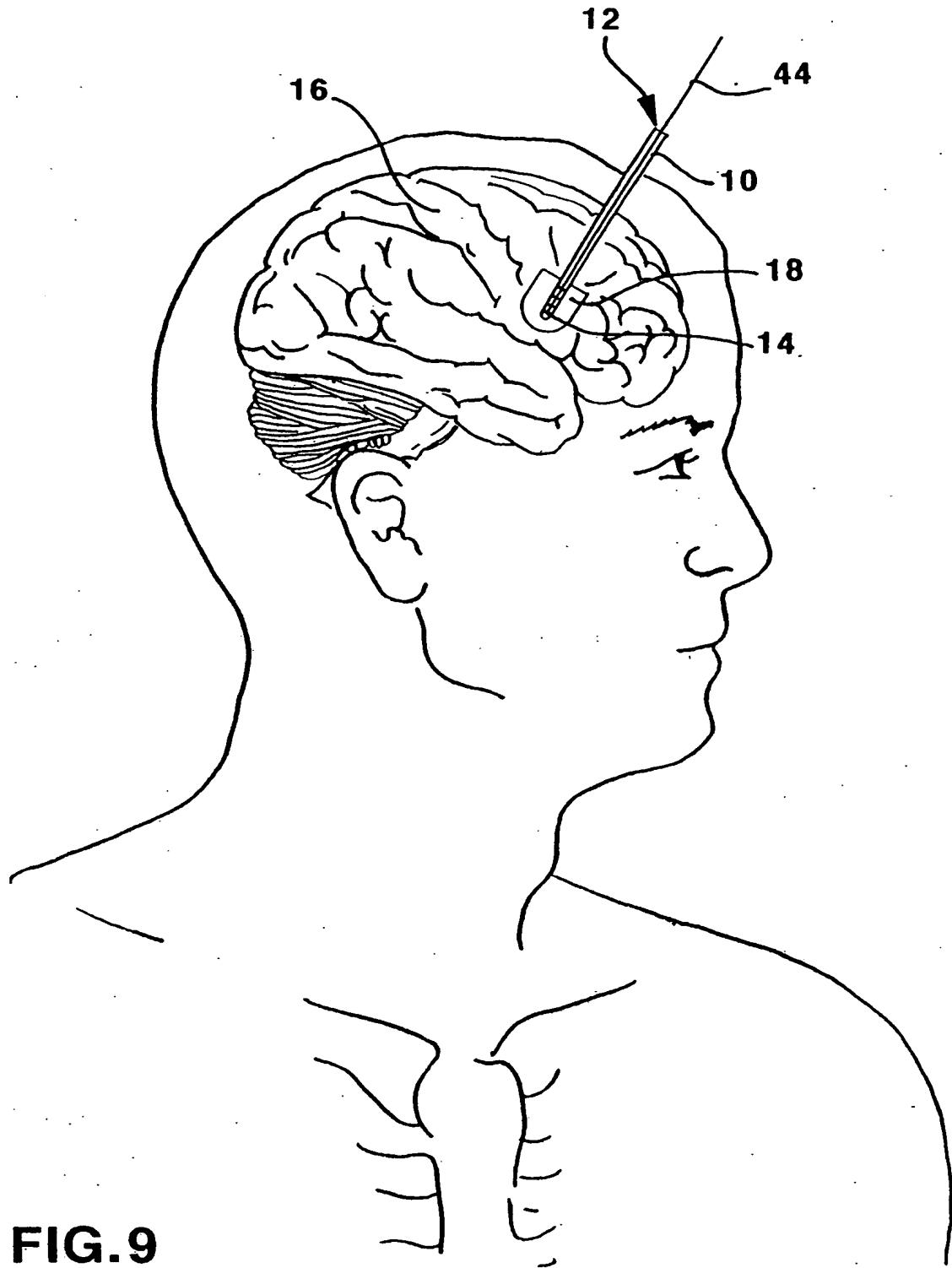
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**FIG. 8**

7/7



**FIG. 9**

